IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WA.No. 2094 of 2007

AGAINST THE JUDGEMENT IN WPC.22846/2007 Dated 14/08/2007
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APPELLANT: PETITIONER

JACOB J., AGED 18 YEARS,
S/O JOSEPH ANTONY, POTHANIKATTU HOUSE,
KUTHUKUZHY P.O., KOTHAMANGALAM.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

2. COMMISSIONER OF ENTRANCE EXAMINATIONS,
OFFICE OF THE COMMISSIONER OF ENTRANCE
EXAMINATIONS, THIRUVANANTHAPURAM.

3. MEDICAL COUNCIL OF INDIA,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE MEDICAL COUNCIL OF INDIA,
AIWAN-E-GALIB MARG, KOTLA ROAD, NEW DELHI-2.

4. PRINCIPAL, GOVERNMENT MEDICAL COLLEGE,
KOTTAYAM.

5. PRINCIPAL, GOVERNMENT DENTAL COLLEGE,
THIRUVANANTHAPURAM.

R1 & R2, R4 & R5 BY GOVERNMENT PLEADER MR.C.T.RAVIKUMAR
R3 BY STANDING COUNSEL MR.ALEXANDER THOMAS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ.

W.A.No.2094 of 2007

Dated, this the 22nd day of August, 2007

JUDGMENT

Radhakrishnan, J.

We find no error in the view expressed by the learned Single Judge. All the same, the appellant puts up a claim on the basis of the Dental Council of India, B.D.S. Course Regulations, 1996. Learned counsel appearing for the appellant states that as per the said Regulations a candidate for admission to the Dental Course must have obtained not less than 55% of the total marks in Science subjects (Physics, Chemistry & Biology) taken together (i) at the qualifying (or at a higher examination) in the case of dental colleges where the admissions are made on the basis of marks obtained at these examinations or (ii) 55% of the total marks in Science subjects (Physics, Chemistry & Biology) taken together at the competitive entrance examination where such examinations are held for selection. According to the learned counsel, in so far as the appellant is concerned, he has satisfied the first condition and the second is only an alternative. However, it is for the authorities to consider as to whether the distinction made by the Dental Council can be made applicable to persons like the appellant who claims to be an outstanding sportsman. The appellant has also made Annexure A representation before the first respondent. The first

respondent shall take note of the same and pass appropriate orders in accordance with law, within a period of one month from the date of receipt of a copy of this judgment.

Writ appeal is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

V.K.MOHANAN, JUDGE

vns